SIKKIM

EXTRAORDINARY

Gangtok | Monday 2nd April, 2007 | No. 444

HOME DEPARTMENT
GOVERNMENT OF SIKKIM

No: 95/Home/06 **Dated: 8.12.2006**

NOTIFICATION

The Hon'ble Supreme Court of India in WP (Civil) No.310 of 1996 in the matter of Prakah Singh and Ors.Vs.Union of India and Ors. has directed the States to constitute a State Security Commission to ensure that the State Government does not exercise unwarranted influence or pressure on the State Police and for laying down the broad policy guidelines so that State Police always acts according to the laws of the land and the Constitution of the country.For this purpose, the State Government was granted option to choose any of the models recommended by the National Human Rights Commission, the Rebeiro Committee or the Sorabjee Commitee.

II. Accordingly, the State Government has decided to choose the model recommended by the Sorabjee Committee which is as under:-

1. Minister I/C Police (ex-officio Chairperson).
2. Leader of Opposition.
3. Chief Secretary.
4. DGP(ex-officio Secretary).
5. Five Independent Members.

III. For the purpose of selection of five independent members, the State Government has decided to constitute a Committee comprising of the following members to suggest panel of names, which would be well representative including minimum one women, Scheduled Cates, Scheduled Tribes, MBC and OBC.

1. Chairman, Law Commission, Gangtok.
2. Chief Information Commissioner, Gangtok.
3. Chairman, Sikkim Public Service Commission, Gangtok.

IV. Further, the Hon'ble Supreme Court in the instant case has also directed that there shall be a Police Complaints Authority at the District Level to look into complaints against Police officers of and up to the rank of Deputy Superintendent of Police.Similarly, there should be another Police Complaints Authority at the State Level to look into complaints against officer of the rank of Superintendent of Police and above.

V. As per the direction of the Apex Court, the District Level Authority would be headed by a retired District Judge while the State Level Authority would be headed by a retired Judge of the High Court/ Supreme Court. These Authorities are to be assisted by 3 to 5 members depending upon the volumes of complaints in different States/Districts and they shall be selected by the State Government from panel prepared by the State Human Rights Commission/Lok Ayukta/State Public Service Commission. The panel may include members from amongst retired Civil Servants, Police officers or officers from any other Department, or from the cilvil society.

VI. In view of the smallness of State, the State Government has decided to constitute Police Complaints Authority, one at the State Level and only one at the District Level to be based at Gangtok for all four Districts.

VII. In the absence of State Human Rights Commision and Lok Ayukta in the State, the State Government has decided that the panel of names for selection of 3 to 5 members to assist the Police Complaints Authority at State Level and District Level may also be suggested by the Committee constituted for suggesting panel of names for State Security Commission.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

N.D CHINGAPA,IAS
CHIEF SECRETARY
F.No.Gos/Home-II/2006/13